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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/693,377	10/20/2000	Masafumi Usuda	3815/105	8613
22913	7590	10/11/2005	EXAMINER	
WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER & SEELEY) 60 EAST SOUTH TEMPLE 1000 EAGLE GATE TOWER SALT LAKE CITY, UT 84111			TSEGAYE, SABA	
			ART UNIT	PAPER NUMBER
			2662	
DATE MAILED: 10/11/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/693,377	USUDA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Saba Tsegaye	2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 July 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 12-23 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 12-23 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>04/14/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### *Response to Amendment*

1. This Office Action is in response to the amendment filed on 7/27/05. Claims 12-23 are pending. Currently no claims are in condition for allowance.

### *Claim Rejections - 35 USC § 103*

2. Claims 12, 15-17 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lundby et al. (US 6,285,655 B1) in view of Asano et al. (US RE37, 420 E).

Regarding claims 12 and 16, Lundby discloses a transmission method in a base station (112) for use in a CDMA mobile communication system for transmitting a signal of each of a plurality of channels (212a-212n) included in each of a plurality of channel groups (240a-240k). Fig. 3 shows orthogonal codes for use in spreading signals of respective channels (212a-212n) in each channel group differ from each other (222) and channels of each channel group (240a-240k; **designated for a particularized transmission**) include a pilot channel (232a-232k), the pilot channel is spread using an orthogonal code and a spreading code (column 8, lines 20-27). Further, Lundby discloses that switch 230 directs the data from traffic channel 212 to the proper summer 240. Summers 240 sum the signals from all traffic channels 212 and a pilot channel 232 designated for a particularized transmission (groups). The resultant signal from each summer is provided modulator and transmitter 114. Lundby does not expressly disclose wherein spreading codes for use in spreading signals of respective channel groups differ from each other.

Asano teaches, in Figs 1 and 2, orthogonal codes [W<sub>1</sub> (t)-W<sub>m</sub> (t)] for use in spreading signals of respective channels [1-m (first group); (m+1)-(2m) (second group)] in each channel

group differ from each other and spreading codes [PN (t); and PN (t- $\phi$ )] for use in spreading signals of respective channel groups [(1-m); and (m+1)-(2m)] differ from each other (column 5, lines 3-46).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings from Asano of using different spreading codes to respective channel groups to the summer disclosed by Lundby. One of ordinary skill in the art would have been motivated to do this because using different spreading codes to respective channel groups would increase the capacity of subscribers within a range in which the necessary quality can be maintained.

Regarding claims 15, 21 and 22, Lundby in view of Asano discloses all the claim limitations as stated above. Further, Lundby discloses that channel element 112 comprises at lease one pilot channel 232 wherein channel element 112 consists of a plurality of groups. The number of pilot channels 232 required is dependent on the system requirements (claimed transmits a signal of a pilot channel only in one of the channel groups). Fig. 4 shows a demodulator 136 within a remote station. Within demodulator 136, the data is provided to despreader 320 (column 7, line 45-column 8, line 67). As pointed out above the channel element 112 can transmit a pilot channel only in one of the channel groups (claimed measuring interference power of channel other than a pilot channel by despreading the received signals by using a orthogonal code and a spreading code for use in spreading a signal of the pilot channel of the channel group).

Regarding claim 17, Lundby discloses a CDMA mobile communication system comprising the base station as claimed in claim 16 (column 5, lines 39-42).

Regarding claim 23, Lundby discloses the mobile station wherein the means for measuring interference power measures the interference power by using a symbol period of the pilot channel (column 6, lines 48-56).

3. Claims 13, 14, 18, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lundby et al. in view of Asano et al. as applied to claim 12 above, and further in view of Shockey (US 6,094,450).

Regarding claims 13, 14, 18 and 19, Lundby in view of Asano discloses all the claim limitations as stated above except for transmitting a signal of the pilot channel with a symbol rate higher than a minimum symbol rate and wherein the symbol rate higher than the minimum symbol rate is determined in accordance with a relationship between transmission power of each channel and channel capacity.

Shockey teaches that a pilot PN sequence generator is controlled by PN clock, which operates at higher frequency than the data bit rate from the data source and the symbol rate higher than the minimum symbol rate is determined in accordance with a relationship between transmission power of each channel and channel capacity (column 6, line 57-column 7 line 5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings from Shockey of transmitting a signal of the pilot channel with a symbol rate higher than a minimum symbol rate to the transmitting system of Lundby in view of

Asano. One of ordinary skill in the art would have been motivated to do this because transmitting a signal of the pilot channel with a symbol rate higher than a minimum symbol rate assures the pilot and symbol sequence epochs remain aligned (column 7 lines 1-5).

Regarding claim 20, Lundby discloses a CDMA mobile communication system comprising the base station as claimed in claim 18 (column 5, lines 39-42).

#### ***Response to Arguments***

Applicant's arguments with respect to claims 12-23 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that in Lundby, although the pilot data is covered with the walsh sequence, pilot channel is not scrambled with PN sequence. Examiner respectfully disagrees. Lundby clearly discloses that the pilot signals from particularized transmissions are spread with short PN sequence (column 8, lines 20-24).

#### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saba Tsegaye whose telephone number is (571) 272-3091. The examiner can normally be reached on Monday-Friday (7:30-5:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ST  
October 5, 2005



JOHN PEZZLO  
PRIMARY EXAMINER